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9 As Liquidating Agent For Western Corporate Federal Credit Union

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 NATIONAL CREDIT UNION
13 ADMINISTRATION BOARD AS
14 LIQUIDATING AGENT FOR
15 WESTERN CORPORATE FEDERAL
16 CREDIT UNION,

Plaintiff,

16 v.

17 ROBERT A. SIRAVO, TODD M. LANE,
18 ROBERT J. BURRELL, THOMAS E.
19 SWEDBERG, TIMOTHY T. SIDLEY,
20 ROBERT H. HARVEY, JR., WILLIAM
21 CHENEY, GORDON DAMES, JAMES
22 P. JORDAN, TIMOTHY KRAMER,
ROBIN J. LENTZ, JOHN M. MERLO,
WARREN NAKAMURA, BRIAN
OSBERG, DAVID RHAMY and
SHARON UPDIKE,

23 Defendants.

Case No.: CV10-01597 GW (MANx)

**JOINT STIPULATION RE
AMENDMENT OF SECOND
AMENDED COMPLAINT TO
ELIMINATE SEVENTH AND
EIGHTH CLAIMS FOR RELIEF
AND RELATED ALLEGATIONS**

1 WHEREAS plaintiff the National Credit Union Administration Board as
2 Liquidator for Western Corporate Federal Credit Union (“NCUA”) filed a Second
3 Amended Complaint [Docket 116] in this action on February 22, 2011;

4 WHEREAS, the Second Amended Complaint includes the Seventh Claim for
5 Relief for Breach of Fiduciary Duty against Defendant Robert A. Siravo and the
6 Eighth Claim for Relief for Unjust Enrichment against Defendant Todd M. Lane;

7 WHEREAS, the NCUA has decided that it will not pursue its Seventh and
8 Eighth Claims for Relief and therefore wishes to amend the Second Amended
9 Complaint to eliminate those claims; and

10 WHEREAS, the defendants are amenable to such dismissal

11 IT IS HEREBY STIPULATED by and between the NCUA and all defendants
12 through their respective counsel that:

13 (1) the Second Amended Complaint may be amended to
14 eliminate the Seventh and Eighth Claims for Relief and the related
15 allegations by striking (a) the sentence at page 9, line 27 through page
16 10, line 1, (b) paragraphs 179-182 (*i.e.*, the text at page 40, line 22
17 through page 41, line 15), and (c) the Seventh and Eighth Claims for
18 Relief (*i.e.*, the text at page 56, line 1 through page 57, line 11); and

1 (2) such amendment shall be without prejudice to the right of
2 any party to seek to recover fees or costs or to oppose recovery of fees
3 or costs.
4

5 DATED: November 15, 2011 LUCE, FORWARD, HAMILTON & SCRIPPS LLP
6 MICHAEL H. BIERMAN
7 MICHAEL E. PAPPAS
8 JEFFREY D. WEXLER

9 By: /s/ Michael H. Bierman
10 Michael H. Bierman
11 Attorneys for Plaintiff National Credit Union
12 Administration Board As Liquidating Agent
13 For Western Corporate Federal Credit Union

14 DATED: November 15, 2011 PILLSBURY WINTHROP SHAW PITTMAN LLP
15 REYNOLD L. SIEMENS
16 BRUCE A. ERICSON
17 MARLEY DEGNER

18 By: /s/ Bruce A. Ericson
19 Bruce A. Ericson
20 Attorneys for Defendant Robert John Burrell

21 DATED: November 15, 2011 ORRICK, HERRINGTON & SUTCLIFFE LLP
22 KENT B. GOSS
23 SETH E. FREILICH

24 By: /s/ Seth E. Freilich
25 Seth E. Freilich
26 Attorneys for Defendant Timothy Sidley
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DATED: November 15, 2011 MUNGER TOLLES & OLSON _{LLP}
RICHARD E. DROOYAN
LAURA SMOLOWE

By: /s/ Richard E. Drooyan
Richard E. Drooyan
Attorneys for Defendants Robert Siravo and
Thomas Swedberg

DATED: November 15, 2011 CHAPIN FITZGERALD & SULLIVAN _{LLP}
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CURTIS CARLL

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Kenneth M. Fitzgerald
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